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In re Application of	:	
KOUSEMAKER et al.	:	
Application No.: 10/562,409	:	
PCT No.: PCT/DE2004/000999	:	DECISION
Int. Filing Date: 13 May 2004	:	
Priority Date: 24 June 2003	:	
Atty Docket No.: KOUSEMAKER ET AL1-PCT	:	
For: METHOD FOR . . . METHYL ESTER	:	

This decision is in response to applicants' submission filed 30 March 2009, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 13 May 2004, applicants filed international application PCT/DE2004/000999 which claimed a priority date of 24 June 2003 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2005 (24 December 2005 being a Saturday and 26 December 2005 being a Federal holiday).

On 23 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 08 September 2006, applicants filed a declaration of inventors.

On 25 September 2006, the DO/EO/US issued a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according to the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 08 September 2006 and a 35 U.S.C. 371 date of 08 September 2006.

On 19 March 2009, a NOTIFICATION was mailed vacating the NOTICE OF ACCEPTANCE mailed 25 September 2006 because the electronic file wrapper did not include an English translation of the international application as filed.

On 30 March 2009, applicants filed the instant submission which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the English translation of the international application accompanying the petition be treated as having been originally received in the USPTO on 23 December 2005 and that the NOTICE OF ACCEPTANCE mailed 25 September 2006 be reinstated.

Applicants have provided sufficient evidence to establish that on 23 December 2005 applicants filed a translation of the international application. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 23 December 2005 and which itemizes an "International Application and English translation" and identifies the above-captioned application number and attorney docket number. Further, practitioner states that the copy of the English translation filed 30 March 2009 is a copy of the translation originally filed 23 December 2005. Therefore, in view of the date-stamped receipt and practitioner's statement, the English translation received on 30 March 2009 may properly be accepted as originally received in the USPTO on 23 December 2005. Accordingly, The NOTICE OF ACCEPTANCE mailed 25 September 2006 is hereby reinstated.

CONCLUSION

The petition under 37 CFR 1.181 is GRANTED for the reasons set forth above.

The NOTICE OF ACCEPTANCE mailed 25 September 2006 is hereby reinstated for the reasons set forth above.

This application is being forward to Art Unit 1797 for continued processing of the application.

/Daniel Stemmer/
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